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CRM-M-15460-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15460-2026

Date of decision: 25.03.2026

ASHUDEEP @ ASHU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yaseen Sethi, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 439 of Cr.P.C, is for grant of regular bail to the petitioner in case FIR No.81 dated 30.09.2025 registered under Sections 21, 27, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Payal, District Ludhiana.

2. Brief facts of the present case are that as per the prosecution, on 30.09.2025, ASI Sarabjit Kaur along with her fellow police officials was on a patrolling duty and on the basis of suspicion apprehended the petitioner along with other co-accused persons namely Lakhwinder Singh, Aashudeep alias Aashu and Rajinder Singh and on search, 5.5 grams of Heroin was recovered. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with



the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected from the petitioner and nothing more is to be recovered from him. He further contends that the recovered quantity is non-commercial in nature. The petitioner is in custody since 30.09.2025. The investigation in the case is complete, challan stands presented, charges have been framed, out of 11 prosecution witnesses none has been examined. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. It is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate and status report which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the alleged contraband.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 05 months; the investigation in the case is complete, challan stands presented, charges have been framed, out of 11 prosecution witnesses none has been examined and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative



6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

25.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |